IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.1617 of 2007

Mrs. Vilasini Naik — Petitioner
Vs.
State of Maharashtra & anr. — Respondents

Mr.D.A.Poonamiya for petitioner.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 31, 2007.

P.C.

. Heard Mr.Poonamiya, the learned counsel for the petitioner. The present respondent no.2 had filed Criminal Case No.2325/S/1998 which was subsequently renumberd as 1004/S/2002 under Section 138 of the Negotiable Instruments Act, 1881. As per the judgment and order dated 7/3/2005 the present petitioner - accused was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and awarded three months simple imprisonment and to pay a compensation of Rs.6 lakhs, in default to suffer SI for three months. Aggrieved by the said order of conviction and sentence Criminal Revision Application No.101 of 2005 was filed before the Sessions Court and it was dismissed on 29/4/2006.

In fact the revision application was not maintainable and the only remedy available to the petitioner was that of filing an appeal against the order of conviction and sentence.

. Be that as it may, after the order of conviction and sentence was passed, the parties have negotiated for an amicable settlement and they have consequently settled the issue of payment of the compensation or the issue of payment of the amount of dishonoured cheque. The Consent Terms signed between the parties have been placed on record and they are hereby marked as "X" for identification. The petitioner and the constituted attorney of the respondent no.2 are both present in the Court and they have stated that they have settled the dispute which is the subject matter of this petition, in terms of the Consent Terms which they have signed and placed before this Court. The parties, therefore, pray for an order of compounding of the offence under Section 147 of the Negotiable Instruments Act, 1881 read with Section 320(5) of Cr.P.C.

. Hence leave is granted to compound the offence under Section 147 of the Negotiable Instruments Act,

1881 read with Section 320(5) of Cr.P.C. and consequently as per Section 320(8) of Cr.P.C., the petitioner - accused stands acquitted. The petition is disposed off accordingly.

(B.H.MARL